

## PROPOSED REMARKS/ARGUMENTS

In the Office Action mailed October 16, 2008, claims 1-4 and 18-33 were rejected. Additionally, the specification was objected to. Additionally, the drawings were objected to. In response, Applicants hereby request reconsideration of the application in view of the proposed amendments and the below-provided remarks.

For reference, proposed amendments are presented for claims 1, 19, 21, and 28-31. In particular, the proposed amendments for claims 1, 19, and 28 are presented to recite the subject matter previously recited in the corresponding dependent claims 18, 32, and 33, respectively. Consequently, claims 18, 32, and 33 are canceled. Additionally, the proposed amendments for claims 1, 19, and 28 recite the portlet application session object includes a data store object shared by a plurality of the portlets in the portlet application. These proposed amendments to claims 1, 19, and 28 are supported, for example, by the subject matter described in the specification at page 17, lines 23-32. Claim 21 is amended to maintain correct antecedent basis in light of the amendments to claim 19. Claims 29-31 are amended to correct grammatical errors.

Additionally, claims 34-36 are added to depend from claims 1, 19, and 28, respectively. Each of claims 34-36 recites the portlet application session object provides an infrastructure for a plurality of the portlets in the portlet application to have independent user sessions, to share the same portlet application session, and to communicate with the web application via a single web application session. The language of these claims 34-36 is supported, for example, by the subject matter described in the specification at page 17, lines 23-32.

### Objections to the Specification

The Office Action objects to the specification as failing to provide proper antecedent basis for the “computer readable signal bearing storage medium” recited in the claims. For reference, the language is amended to simply recite “computer readable storage medium” in order to clarify the language of the claim. The rule 37 C.F.R. 1.75(d)(1) requires the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be

ascertainable. In other words, support is required, and antecedent basis is simply one way of providing support, but antecedent basis is not the only way to provide support for the limitations of the claim. Further, MPEP 608.01(o) recognizes that an applicant is not limited to the nomenclature used in the application as filed. Hence, the MPEP also recognizes that the language of the claims does not have to be explicitly, or literally, supported by the description of the specification.

In the present application, the originally filed claim previously 18 recited “a computer readable signal bearing medium.” In reference to the recited computer readable signal bearing medium, the specification provided some examples of media, including storage media. Page 15, line 35, through page 16, line 5 (“The medium may be selected from the group consisting of magnetic, optical, biological, and atomic data storage media as appropriate” (emphasis added)). Hence, the subsequent amendment to claim 18 to “a computer readable signal bearing storage medium” (emphasis added) was supported by the indicated description within the specification which references different types of storage media. Similarly, the current amendments to recite “computer readable storage medium” are similarly supported by the specification. Thus, although the detailed description section of the specification may not use the exact same terminology as the claims, Applicants submit that the specification otherwise supports the indicated language, at least because the originally filed claims include some of the original language and are part of the originally filed specification, and because the previously amended language is supported by the indicated description within the originally filed specification. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

### Objections to the Drawings

The current application is a U.S. National Stage application. The drawing requirements for U.S. National Stage applications are identified in MPEP 1825 and the corresponding PCT Rule 11. PCT Rule does not prohibit the inclusion of WO and PCT reference numbers in the top margin of the drawings. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In view of the above, Applicants respectfully

assert that removal of the reference numbers in the top margin of the drawings is not required in the current application. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

#### Claim Rejections under 35 U.S.C. 101

Claims 1-4 and 18-33 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants respectfully request that these rejections of the claims under 35 U.S.C. 101 be withdrawn in light of the amendments and reasoning provided herein.

In particular, the Office Action states that independent claims 1, 19, and 28 and dependent claims 2-4, 20-27, and 29-31 recite embodiments of software components and, thus, do not fall within a statutory category of invention. Claims 1, 19, and 28 are each amended to recite a computer readable storage medium and computer program code recorded thereon. Applicants submit that the recited storage medium is a tangible embodiment because the medium stores functional computer program code and, hence, is not merely a transmission or signal bearing medium. Although the specification of the present application also describes embodiments which use transmission and signal bearing media, the description of such embodiments should not be confused with and does not preclude the claimed embodiments which explicitly store functional computer program code. Therefore, the recited storage media are tangible embodiments which entail physical structure and are not merely software *per se*. Accordingly, Applicants respectfully request that the rejections of claims 1-4, 19-27, and 28-31 under 35 U.S.C. 101 be withdrawn.

Claims 18, 32, and 33 were also rejected under 35 U.S.C. 101 as being directed to intangible embodiments. However, these claims are canceled. Hence, the rejections of these claims are moot.

#### Claim Rejections under 35 U.S.C. 102

Claims 1-4 and 18-33 were rejected under 35 U.S.C. 102(b) as being anticipated by Hesmer et al. ("Portlet Development Guide, Working with the Portlet API", pages 1-83, Edition 1.1, April 2, 2002, hereinafter Hesmer). In light of the canceled claims 18,

32, and 33 and the added claims 34-36, the reasoning presented below addresses the patentability of claims 1-4, 19-31, and 34-36. Applicants respectfully submit that claims 1-4, 19-31, and 34-36 are patentable over Hesmer for the reasons provided below.

Independent Claim 1

Applicants respectfully submit claim 1 is patentable over Hesmer because Hesmer does not disclose all of the limitations of the claim. Claim 1 recites:

An apparatus comprising:  
a portal server for operating a web portal to provide access to a web application;  
a computer readable storage medium comprising computer program code  
recorded thereon to implement a portlet application for operating on said portal server,  
for managing a collection of associated portlets;  
said portlet application comprising:  
means to initiate portlets on requests of a user to access said web  
application;  
means to manage a portlet application session object for said portlets,  
wherein the portlet application session object comprises a data store object shared  
by a plurality of the portlets in the portlet application; and  
a portlet application session object data store controlled by said portlet  
application session object for saving parameters from user requests for associating  
said portlets with said portlet application session object.  
(Emphasis added.)

In contrast, Hesmer does not disclose all of the limitations of the claim because Hesmer does not disclose a portlet application session object which includes a data store object shared by a plurality of portlets in a portlet application. With reference to the recited portlet application session object, the Office Action refers to § 3.2.3 Portlet Session (page 20) of Hesmer as purportedly disclosing the indicated limitation. However, this description in Hesmer does not disclose a portlet application session object because the indicated description of Hesmer merely relates to a portlet session.

A portlet session is different from a portlet application session, at least because a portlet is different from a portlet application. Hesmer explains that portlets are pluggable modules that are designed to run inside a portlet container of portal server. Hesmer, page 6, Overview, third paragraph. Each portlet is responsible for accessing content from its source and transforming the content so that it can be rendered to a client. Hesmer, page

6, Overview, second paragraph. In contrast, a portlet application provides means to package a group of related portlets that share the same context. Thus, portlets and portlet applications are distinct structures, according to the description of Hesmer.

Consequently, a portlet session must be different from a portlet application session.

Moreover, since the indicated section of Hesmer (§ 3.2.3. PortletSession) merely relates to a portlet session, rather than to a portlet application session, the indicated section of Hesmer also fails to describe an object for a portlet application session. Furthermore, Hesmer does not appear to describe any type of portlet application session object which includes a data store object shared by a plurality of portlets in a portlet application.

For the reasons presented above, Hesmer does not disclose all of the limitations of the claim because Hesmer does not disclose a portlet application session object which includes a data store object shared by a plurality of portlets in a portlet application, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over Hesmer because Hesmer does not disclose all of the limitations of the claim.

#### Independent Claims 19 and 28

Applicants respectfully assert independent claims 19 and 28 are patentable over Hesmer at least for similar reasons to those stated above in regard to the rejection of independent claim 1. Here, although the language of these claims differs from the language of claim 1, and the scope of each claim should be interpreted independently of other claims, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejections of these claims. Accordingly, Applicants respectfully assert claims 19 and 28 are patentable over Hesmer because Hesmer does not disclose all of the limitations of the claims.

#### Dependent Claims

Claims 2-4, 20-27, 29-31, and 34-36 depend from and incorporate all of the limitations of the corresponding independent claims 1, 19, and 28. Applicants respectfully assert claims 2-4, 20-27, 29-31, and 34-36 are allowable based on allowable base claims. Additionally, each of claims 2-4, 20-27, 29-31, and 34-36 may be allowable for further reasons.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendment and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **09-0461** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **09-0461** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/Jeffrey T. Holman/

Date: November 16, 2009

Jeffrey T. Holman  
Reg. No. 51,812

Wilson Ham & Holman  
175 S. Main Street  
Suite #850  
Salt Lake City, UT 84111  
Phone: (801) 746-5560  
Fax: (801) 746-7451